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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,803	03/22/2004	Edwin Franklin Barry	800.0118 (A1560)	9955

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EXAMINER

JOHNSON, BRIAN P

ART UNIT	PAPER NUMBER
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2183

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No:

10/805,803

Applicant(s)

BARRY ET AL.

Examiner

Brian P. Johnson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-22 are pending.

Papers Filed

2. Examiner acknowledges receipt of amendments and remarks filed 13 September 2006.

Title

3. The title is accepted. Objection is withdrawn.

Specification

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

5. Claim objections are withdrawn in light of Applicant's amendments:

Claim Rejections - 35 USC § 101

6. Rejections are withdrawn in light of Applicant's amendments.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-5 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Lowell (U.S. Patent No. 3,623,017).

9. As per claim 1, Lowell teaches a processor with an instruction class controllable pipeline comprising:

a program storage unit (Fig. 1 memory unit 18) holding a diverse plurality of class one and class two executable function instructions, the class one instructions having a first execution latency and the class two instructions having a second execution latency, wherein the first execution latency is shorter than the second execution latency; (Col. 1 lines 5-25)

a fetch stage for fetching an instruction from the program storage unit to be stored in an instruction register; (Fig. 1 instruction register 28)

a decode stage for classifying and decoding the instruction stored in the instruction register, and generating an instruction class indication and storing the decoded instruction in a decode register; (Fig. 1 decoder 30)

an adaptable pipeline control unit responsive to the instruction class indication for adapting the latency of a pipeline stage dependent to the instruction class; (Col. 1 lines 5-25)

and an adaptable execution stage operable for execution of a decoded instruction stored in the decode register, the decoded instruction being a class one instruction or a class two instruction. (Fig. 1 arithmetic section 14)

10. As per claim 2, Lowell teaches the processor of claim 1, wherein the fetch stage further comprises: a program counter and an instruction memory fetch mechanism which are operable to begin instruction processing by fetching one or more instructions from the program storage unit. *Fig. 1 discloses using program counter 26 to index into memory 18 to obtain the instruction held in instruction register 28.*

11. As per claim 3, Lowell teaches the processor of claim 1, wherein the executable function instructions comprise: additions, subtractions, multiplications, divisions, compares, ANDs, ORs, ExclusiveORs, NOTs, shifts, rotates, permutes, bit operations, moves, loads, stores, communications or combinations thereof. *Lowell discloses multiply, and divide (col. 1 line 9).*

12. As per claim 4, Lowell teaches the processor of claim 1, wherein the adaptable pipeline control unit further comprises: a pipeline control mechanism for class one instructions to execute in a instructions having a first execution latency; and a pipeline control mechanism for class two instructions to execute in instructions having the first execution latency. *Lowell col. 1 lines 5-20 teaches passing non-extended sequence instructions through the pipeline in a typical fashion and pausing the front end of the pipeline for the arithmetic hold condition (class two instruction).*

13. As per claim 5, Lowell teaches the processor of claim 4 wherein the pipeline control mechanism for class one instructions further comprises: control for normal pipeline timing for class one instructions wherein each stage of the normal pipeline has a duration equal to the first execution latency. *Lowell col. 1 lines 5-20 teaches passing non-extended sequence instructions through the pipeline in a typical fashion.*

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14. As per claim 9, Lowell teaches the processor of claim 1 wherein the adaptable execution stage further comprises: a class one execution unit operable to execute a class one instruction stored in the decode register, wherein the class one execution unit has the first execution latency; and a class two execution unit operable to execute a class two instruction stored in the decode register, wherein the class two execution unit has the second execution latency. (Fig. 14 arithmetic unit 14)

15. As per claim 10, Lowell teaches the processor of claim 1 wherein the decode stage further operates to decode an opcode field to classify an instruction. *Since certain instructions are deemed to be "extended sequence instructions", and the processor goes into an arithmetic hold for these instructions (col. 1 lines 5-25) there must exist decode circuitry to classify these instructions as class two instructions based on instruction type. An opcode inherently defines the function an instruction is perform.*

16. As per claim 11, Lowell teaches the processor of claim 1 wherein the decode stage further operates to decode an opcode field and decode of a data type field to classify an instruction. *The examiner asserts that the opcode field is a data field and indicates what type of instruction to perform.*

17. As per claim 12, Lowell teaches the processor of claim 4 wherein the adaptable pipeline control unit further comprises:

a programmable clock gating mode indicator that specifies a normal clock gating mode and a slow down clock gating mode;

and control for extending pipeline sequencing both class 1 instructions and class 2 instructions to execute in a third longer time period when the programmable clock gating mode indicator specifies a slow down clock gating mode. *Lowell teaches that a slower clock will execute both extended and non-extended instructions. Inherently, executing both a class 1 and a class 2 instruction in the slower clock would take a longer time than executing either alone in either the same or the faster clock.*

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 6-8, 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowell.

20. As per claim 6, Lowell teaches the processor of claim 4 wherein the pipeline control mechanism for class two instructions further comprises a method for holding values of the instruction register, decode register and program counter upon detection of a class two instruction. *Inherently, there must exist signals to each of these registers to signify the "arithmetic hold" condition (Lowell Col. 1 lines 5-25) and a control for*

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extending pipeline sequencing for class two instruction to execute in a second longer time period. (*Lowell Col. 1 lines 5-25*)

21. Lowell fails to disclose an instruction register feedback multiplexer; a decode register feedback multiplexer; a program counter and program counter update function;

22. Official Notice is taken that feeding back a register to itself by means of a multiplexer is well known in the art. It provides a low-cost, simple implementation of retaining a register's contents by means of a control line selecting either the current value or a new value to be latched into the register.

23. It would have been obvious to one of ordinary skill in the art at the time of invention to have implemented feedback multiplexers to retain the values of the instruction register, decode register and program counter upon detection of an arithmetic hold for the benefit of a low-cost, simple implementation.

24. As per claim 7, Lowell teaches the processor of claim 4 wherein the pipeline control mechanism for class two instructions further comprises a method for holding values of the instruction register, decode register and program counter upon detection of a class two instruction. *Inherently, there must exist signals to each of these registers to signify the "arithmetic hold" condition (Lowell Col. 1 lines 5-25)* and control for extending pipeline sequencing for class two instructions to execute in a second longer time period. (*Col. 1 lines 5-25*)

25. Lowell fails to disclose an instruction register gated clock; a decode register gated clock; a program counter gated clock;

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26. Official Notice is taken that shutting off the clock to a register by means of a simple AND gate is well known in the art. "Clock Gating" provides the benefit of a very simple, low-cost method of forcing a register to retain its current value.

27. It would have been obvious to one of ordinary skill in the art at the time of invention to have implemented a gated clock to the instruction register, decode register and program counter register as the means of retaining their values during an arithmetic hold for the benefit of low-cost, simple implementation.

28. As per claim 8, Lowell teaches the processor of claim 7 but fails to disclose wherein the instruction register gated clock, the decode register gated clock, and the program counter gated clock are a single gated clock.

29. Official Notice is taken that gating a clock to a subset of the processor regions is well known in the art. Replacing multiple clock gates with a single one reduces complexity and necessary hardware.

30. It would have been obvious to one of ordinary skill in the art at the time of invention to have combined the clock gates for the instruction register, decode register and program counter into a single clock gate to reduce complexity and hardware requirements.

31. As per claim 13, Lowell teaches a method for processor performance and power optimization of an instruction class adaptable pipeline processor supporting at least two classes of instructions with a first class operable at a with a first latency for each

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pipeline stage of the adaptable pipeline and a second class operable with a second latency for each pipeline stage and where, the first latency is shorter than the second latency and where the instructions operable with the first latency can be specified to operate with the first latency or with the second latency and where the instructions operable with the second latency can be specified to only operate with the second latency, the method comprising:

programming the instruction class adaptable pipeline processor creating an application program containing a mix of two classes of instructions to meet functional requirements with a first plurality of instructions used in the program operable with the first latency specified in a formation of each of the first plurality of instructions as class 1 instructions; *The examiner asserts that the "extended sequence instructions" (class 1 instructions) are specified to operate at a faster frequency (col. 1 lines 5-25).*

32. Lowell fails to disclose modifying the application program to meet performance and power requirements of an application by changing, where appropriate, class 1 instructions to class 2 instructions.

33. Official Notice is taken that slowing down a clock for purposes of reducing power consumption is well known in the art.

34. It would have been obvious to one of ordinary skill in the art at the time of invention to allow the faster clock of Lowell's invention to be slowed to the speed of his slower clock when required by the power requirements for the benefit of reducing power consumption.

35. As per claim 14, Lowell discloses a method for processor performance and power optimization of claim 13 wherein modifying the application program to meet performance and power requirements of an application, Lowell fails to disclose the method further comprising:

appropriately programming a programmable clock gating mode to cause a specifiable majority of the instructions of the class adaptable pipeline processor to execute at a longer latency than the second latency associated with the class 2 instructions.

Official Notice is taken that slowing down a clock for purposes of reducing power consumption is well known in the art.

36. It would have been obvious to one of ordinary skill in the art at the time of invention to have specified, for all instructions, to slow the processor's clock to a slower speed for the benefit of conserving power.

37. Claims 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowell (U.S. Patent No. 3,623,017) in view of Ishikawa.

38. As per claim 15, Lowell teaches a processor with an instruction class controllable pipeline comprising:

a program storage unit (Fig. 1 memory unit 18) holding a diverse plurality of class one and class two executable function instructions, the class one instructions having a

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shorter execution latency and the class two instructions having a longer execution latency; (Col. 1 lines 5-25)

a fetch stage for fetching an instruction from the program storage unit to be stored in an instruction register; (Fig. 1 instruction register 28)

a decode stage for classifying and decoding the instruction stored in the instruction register, and generating an instruction class indication and storing the decoded instruction in a decode register; (Fig. 1 decoder 30)

an adaptable pipeline control unit responsive to the instruction class indication for adapting the pipeline latency of each stage of the plurality of instruction class controllable pipelines dependent on the instruction class instructions; (Col. 1 lines 5-25)

and an adaptable execution stage operable for execution of a decoded instruction stored in the decode register, the decoded instruction being a class one instruction or a class two instruction. (Fig. 1 arithmetic section 14)

39. Lowell fails to teach whereby the system is configured for VLIW processing.

40. Ishikawa teaches a processor for executing VLIW instructions.\

41. Ishikawa teaches that VLIW processing decreases a processor's CPI, increasing the throughput. (Col. 1 lines 10-52)

42. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified Lowell's processor to handle VLIW instructions by reproducing the instruction pipeline in parallel for the benefit of increased instruction throughput.

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43. As per claim 16, Lowell and Ishikawa teach the VLIW processor of claim 15, wherein the VLIW fetch stage further comprises: a VLIW memory control unit which is operable to begin VLIW processing by fetching a VLIW from the VLIW storage unit. *The examiner asserts that Lowell and Ishikawa's processor must inherently fetch an instruction word from memory before being able to operate on it. Inherently, there must exist circuitry to control this memory access.*

44. As per claim 17, Lowell and Ishikawa teach the processor of claim 15, wherein the executable function instructions comprise: additions, subtractions, multiplications, divisions, compares, ANDs, ORs, ExclusiveORs, NOTs, shifts, rotates, permutes, bit operations, moves, loads, stores, communications and variations or combinations thereof; *Lowell discloses multiply, and divide (col. 1 line 9).*

45. As per claim 18, Lowell and Ishikawa teach the processor of claim 15, wherein the adaptable pipeline control unit further comprises:

a pipeline control mechanism for a VLIW, consisting of all class one instructions, to control the execution of the VLIW with the first execution latency; *Lowell col. 1 lines 5-20 teaches passing non-extended sequence instructions through the pipeline in a typical fashion.*

and a pipeline control mechanism for a VLIW, consisting of at least one class two instruction, to control the execution of the VLIW with the second execution latency.

(Lowell col. 1 lines 5-20)

46. As per claim 19, Lowell and Ishikawa teach the processor of claim 18 wherein the pipeline control mechanism for a VLIW consisting of all class one instructions further comprises: control for normal pipeline timing for the class one instructions wherein each stage of the normal pipeline has a duration equal to the first execution latency. *Lowell col. 1 lines 5-20 teaches passing non-extended sequence instructions through the pipeline in a typical fashion.*

47. As per claim 20, Lowell and Ishikawa teach the processor of claim 18 wherein the pipeline control mechanism for a VLIW consisting of at least one class two instruction further comprises a method for holding values of the instruction register, decode register and program counter upon detection of a class two instruction. *Inherently, there must exist signals to each of these registers to signify the "arithmetic hold" condition (Lowell Col. 1 lines 5-25)*

and control for the plurality of adaptable execution stages to execute the VLIW with the second execution latency. *(Lowell Col. 1 lines 5-25)*

48. Lowell and Ishikawa fail to expressly disclose:

VIR state maintaining multiplexers;

decode register state maintaining multiplexers;

a program counter and program counter update function;

49. Official Notice is taken that feeding back a register to itself by means of a multiplexer is well known in the art. It provides a low-cost, simple implementation of

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retaining a register's contents by means of a control line selecting either the current value or a new value to be latched into the register.

50. It would have been obvious to one of ordinary skill in the art at the time of invention to have implemented feedback multiplexers to retain the values of the instruction register, decode register and program counter upon detection of an arithmetic hold for the benefit of a low-cost, simple implementation.

51. As per claim 21, Lowell and Ishikawa teach the processor of claim 18 wherein the pipeline control mechanism for a VLIW consisting of at least one class two instruction further comprises a method for holding values of the instruction register, decode register and program counter upon detection of a class two instruction.

Inherently, there must exist signals to each of these registers to signify the "arithmetic hold" condition (Lowell Col. 1 lines 5-25)

and control for the plurality of adaptable execution stages to execute the VLIW with the second execution latency. *(Lowell Col. 1 lines 5-25)*

52. Lowell and Ishikawa fail to expressly disclose:

- a VIR gated clock;
- a plurality of decode register gated clocks;
- a Program Counter gated clock;

53. Official Notice is taken that shutting off the clock to a register by means of a simple AND gate is well known in the art. "Clock Gating" provides the benefit of a very simple, low-cost method of forcing a register to retain its current value.

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54. It would have been obvious to one of ordinary skill in the art at the time of invention to have implemented a gated clock to the instruction register, decode register and program counter register as the means of retaining their values during an arithmetic hold for the benefit of low-cost, simple implementation.

55. As per claim 22, Lowell and Ishikawa teach the processor of claim 15 wherein each adaptable execution stage of the plurality of adaptable execution stages further comprises: a class one execution unit operable to execute a class one instruction stored in the decode register, wherein the class one execution unit has the first execution latency; and a class two execution unit operable to execute a class two instruction stored in the decode register, wherein the class two execution unit has the second execution latency. (*Ishikawa Fig. 9*)

Response to Arguments

1. Applicant's arguments filed 13 September have been fully considered but they are not persuasive.

The rejection of claim 15 as anticipated by Ishikawa has been withdrawn in light of Applicant's amendments.

2. Applicant states:

"Lowell does not teach and does not make obvious classifying an instruction based on an instruction's execution latency to generate an instruction class indication. Lowell also does not teach and does not make obvious 'adapting the latency of a pipeline stage dependent on the instruction class' as presently claimed in claim 1"

Examiner disagrees. Lowell discloses determine which instructions are "extended sequence instructions", based on their latency. This is considered to be an instruction class. The clock cycle is altered for these instructions in such a way that "adapt[s] the latency of a pipeline stage dependent on the instruction class."

3. Applicant states:

Regarding claim 13, "Lowell does not teach and does not make obvious 'a first plurality of instructions used in the program operable with the first latency specified in a format of each of the plurality of instructions as class 1 instructions and with a second plurality of instructions used in the program operable with the second latency specified in a format of each of the second plurality of instructions as class 2 instructions'"

Examiner disagrees. The two classes of instructions provided by the extended sequence instructions and the remaining instructions very reasonably anticipate these limitations.

4. Applicant states:

"Lowell also does not teach and does not make obvious 'modifying the application program by changing, where appropriate, the format of class 1 instructions to class 2 instructions to minimize power use while still meeting performance requirements of the application program'"

Examiner disagrees. The current (and previous) rejection includes Official Notice concerning lengthening the clock cycle time to save power. Applicant has not addressed the particulars of this rejection. Perhaps Applicant believes that the amendment regarding the word "format" pulls some additional limitations into the claims, but it is unclear what limitations these might be. Additionally, Applicant has stated that these amendments "are not intended to limit the scope of the claims in any way".

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5. Applicant states:

"Lowell does not teach and does not make obvious classifying an instruction based on the instruction's execution latency. Lowell also does not teach and does not make obvious adapting the latency of a pipeline stage dependent on the instruction class indication"

Examiner disagrees. Lowell classifies instructions as "extended sequence instructions" and adapts the latency based on whether an instruction falls in this class.

Conclusion

56. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Perry et al. (U.S. Patent No. 5,142,684) disclose a system of slowing a processor clock when power consumption requirements dictate to do so.

Khurshid et al. (U.S. Publication No. 2002/0104032) disclose a system utilizing clock gates to slow a clock frequency to portions of the processor.

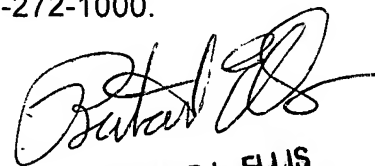
a. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Johnson whose telephone number is (571) 272-2678. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Chan can be reached on (571) 272-4162. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



RICHARD L. ELLIS
PRIMARY EXAMINER